

ent welfare system. If that is not bad enough, some experts contend that the HEW estimate is far too low. Perhaps as many as 60 million would qualify for benefits, well over one-fourth of the entire population.

All of this means an even more costly welfare program. HEW estimates that an additional \$3 billion in Federal outlays would be needed. Many believe the actual cost would be far higher.

In summary, enactment of the income supplemental program would only worsen our welfare problems. More people would be on the Federal dole and more money would be spent on welfare benefits. I do not believe that this is the desire of the majority of Americans.

#### FOI VETO IS BLOW TO AMERICAN DEMOCRACY

### HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 20, 1974

Mr. ALEXANDER. Mr. Speaker, I am proud to represent a State which has one of the most progressive State freedom of information statutes in this country. In my work on the Government Operations Committee and on the floor of the House, I have regularly voiced my support for opening up government to the people it serves. I was proud to be a sponsor of the Freedom of Information Act amendments which passed the House with such an overwhelming vote.

The President's veto of this measure represented a blow to our American democracy. I have already set forth my strong feelings on this issue in another segment of today's debate. However, I wish to share with my colleagues an editorial which appeared in the Arkansas Democrat and clearly outlines the need for overriding this veto:

#### NOT TOO OPEN

In a move that didn't do much to bolster his bragging about operating an "open government," President Ford vetoed yesterday some very good changes that the Congress had made in the Freedom of Information law. The veto was largely the result of pressure by the Defense Department and other bureaucrats, who deeply resent even the small number (about 200) suits that have been brought under the act.

It's hard to believe it, but the country never had a FOI law until 1966, and this is the first time improvements have been attempted. The law requires the government to make all records available to citizens except defense secrets, tax returns, law enforcement investigation files, trade secrets, personnel or medical files and inter-agency memos. It was thought that reporters would be the greatest users of this law, but it has been activist groups like Common Cause and conservationists that have been its biggest user. This is sort of a sad comment on the press, because there must be thousands of things the public needs to know buried in the mountain of government documents. Of course, this kind of reporting is hard work and not very dramatic, but with the expose bug very much in the Washington air, maybe more journalists will turn to government files.

These amendments would certainly make it easier. Among other things, they set time limits that bureaucrats must meet in producing documents. Now, a clerk can put you off indefinitely. Another stalling procedure was the refusal of an agency to produce a document unless the citizen could give its precise title; the amendment says that a "reasonable description" will suffice. Also each agency will be required to maintain and publish indexes of its documents.

Another crafty idea of Rep. William Moorhead, D-Pa., and Sen. Edward Kennedy, D-Mass., sponsors of the amendments, was to require an annual report from each agency of all decisions made to withhold information AND the name of the person who made the decision. If the decisions were held by a court to be capricious or arbitrary, then the Civil Service Commission would be empowered to punish the employee. (Also, the government would have to pay for the lawyer fees if the judge decided in favor of the citizen.)

The most controversial provision and the one President Ford has the most doubts about deals with national security. Now, anything classified as a defense secret is automatically withheld, and as we found out in the wake of the Pentagon Papers case, the classifications on less than 10 per cent of the material cannot be justified. There are even newspaper clippings stamped secret.

Anyway, one of these amendment would shift the burden from citizen to bureaucrat; he must justify the secret classification he has affixed to a document requested by a citizen. The way he does this is to submit the classified document to a federal judge, who will look at it in his chambers and decide whether the material should be kept from public view. President Ford said that federal judges didn't have the ability to make these determinations. This was quite a slam at the judiciary and, if true, which we doubt, it leaves us wondering, if judges don't, who does?

The bill was passed by big votes in both houses. We hope the senators and representatives will stay in session long enough to override this veto.

#### DETERRENT AGAINST PRICE-FIXING

SPEECH OF

### HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 19, 1974

Mrs. HOLT. Mr. Speaker, the Anti-Trust Procedures and Penalties Act should be a powerful deterrent against price fixing and the creation of monopolies.

This is the best kind of consumer protection legislation, because it gives us the tools we need to prevent such things as the current exorbitant sugar profits through price manipulation. This legislation will go a long way toward preserving competition in the free market.

I voted in favor of this because I believe that giant corporate monopolies are as dangerous to a free society as big government. By raising the maximum fine for corporate violations of the Sherman Anti-Trust Act to \$1 million and by punishing individual violations by as much as 3 years in prison, we have gone a step further in protecting

the people from abuses of economic power in the private sector.

I am urging President Ford to maintain pressure on the Justice Department for vigorous enforcement of antitrust laws. This legislation gives the administration the authority it needs for an effective war against monopolies and price fixing. We do not need vast new bureaucracies to strangle business in senseless regulations, but we do need tough enforcement of laws to preserve our free economy in the marketplace.

This is an important step against inflation by conspiracy, but I would also remind this Congress of the necessity to fight inflation caused by deficit Federal spending—inflation caused by irresponsibility.

We have demonstrated our will to curb abuses by big business, but it is also time for us to concentrate on restricting the abuses by big government.

#### BELL CAPTAIN COLLINS

### HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 20, 1974

Mr. STOKES. Mr. Speaker, one of our most active civic leaders and a well-respected man in Cleveland's religious circles, Deacon Jessie A. Collins has long been deserving of the recognition of the community. Deacon Collins recently celebrated his 30th year of employment as bell captain of the hotels associated with the Cleveland Clinic. I have known and admired Deacon Collins for many years and have often marveled at his ability to always be so pleasant with everyone with whom he comes in contact.

This deeply religious man, devoted to his church and to service to mankind, has touched many people with the warmth and cheerfulness of his greeting. Deacon Collins has always been one of my staunchest supporters and I have always been gratified to have his support. Recently Deacon Collins was the subject of an article in the Park Plaza Gazette. To introduce my colleagues to this outstanding citizen I submit this article for their reading:

#### BELL CAPTAIN CELEBRATES ANNIVERSARY

Arthur Collins our Bell Captain, and certainly one of our most important employees, recently celebrated his 30th year with the hotels connected to the Cleveland Clinic. The Bolton Square Hotel, The Clinic Inn and now the Park Plaza Inn. From his home town, Athens, Georgia he joined the United States Air Force and served 2 years overseas before being discharged with the rank of Master Sergeant.

Mr. Collins is very active in civic affairs. To list a few of his many activities: He is on the board of directors of the East Urban YMCA; president of the Ohio Baptist Laymen's Movement; chairman of the board of the Friendship Baptist Church; Treasurer of the Ohio Republican Council; Committee-man in Ward 27; and in addition to all these he sings second tenor in his church choir.

Mr. Collins greets each and every guest with a big smile and a friendly word. He

compensation. the Commission may pay the individual the amount adjudged just by the court.

(f) (1) The Commission shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence for the purpose of performing its duties. This attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) If a person issued a subpoena under paragraph (1) of this subsection refuses to obey such subpoena or is guilty of contumacy, any court of the United States within the judicial district within which the hearing is conducted or within the judicial district within which such person is found or resides or transacts business may (upon application by the Commission) order such person to appear before the Commission to produce evidence or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(3) The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) Immunity.—No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to a subpoena, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(5) All process of any court to which application may be made under this section may be served in the judicial district wherein the person required to be served resides or may be found.

#### SUPPORT SERVICES

SEC. 6. (a) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services and assistance as the Commission may request.

(b) The Librarian of Congress and the Archivist of the United States shall provide to the Commission on a reimbursable basis such technical and expert advice, consultation, and support assistance as the Commission may request.

#### COURT ACTION

SEC. 7. Except as provided in section 5(f) of this Act, the Federal District Court for the District of Columbia shall have exclusive jurisdiction and venue to hear any judicial proceeding brought by or against the Commission.

#### TERMINATION

SEC. 8. The Commission shall cease to exist two years after the date on which all its members have been appointed.

### ONE GRANT WE DO NOT NEED

**HON. ROBERT J. HUBER**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 20, 1974

Mr. HUBER. Mr. Speaker, it was with some amazement I read in the Detroit

Free Press of October 2, 1974, that U.S. Department of Agriculture had authorized a \$93,352 research grant to find out whether chitterlings—prepared from pig intestines—are harmful to human beings. If President Ford and the Congress are serious about balancing the Federal budget here is one item we do not need.

### MIDDLEMEN TAKE BIG BITE

**HON. JOHN M. ZWACH**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 20, 1974

Mr. ZWACH. Mr. Speaker, I welcomed the news today that the school lunch program will be buying more frozen and canned beef for our Federal-State child nutrition programs.

This is one area where the beef industry can be helped. But we need help along other lines as well, one of them being a way to hold down on the spread between what the farmer is paid for meat on the hoof and the price the consumer pays over the counter.

In this regard, I would like, with your permission, to insert into the RECORD, a recent news story in the St. Paul Pioneer Press dealing very ably with this subject:

#### MIDDLEMEN TAKE BIG BITE

WASHINGTON.—The retail cost of a theoretical "average" household's yearly supply of groceries jumped another \$25 in September to a record rate of \$1,776, the Agriculture Department said Friday.

All of the increase from August to September is attributed to a larger share of the consumer food dollar taken by middlemen who process and sell food at wholesale and retail. The farmer's share is down.

According to the figures, compiled by USDA at the request of reporters, the market basket's retail cost since September of last year has gone up \$147 on an annual basis.

Officials said the retail food price increase last month was due mostly to boosts for poultry, eggs, fats and oils, and pork. Pieces of beef and fruits and vegetables, particularly potatoes, declined.

In a related development, Agriculture Secretary Earl Buttz announced a two-day public inquiry next week into food costs, including the middleman share of what consumers spend on groceries.

Buttz said the meeting set for next Thursday and Friday, was called at the request of President Ford and will be jointly sponsored by the President's Council on Wage and Price Stability.

"The purpose of the meeting is to point up ways to lower costs, improve efficiency and thus reduce food handling margins between farms and consumers," Buttz said in a statement.

The USDA market basket figures showed the \$25 increase in September, a 1.4 per cent boost, matched the increase in August. Those back-to-back increases were the sharpest since the annual rate jumped \$52 or 3.2 per cent last February.

The market basket includes 65 retail items and theoretically provides enough food to supply a household of 3.2 persons for an entire year. Only U.S. farm-produced food is used to determine the cost indicator.

The market basket rate of \$1,776 included a farm share of \$723 in September down one per cent or \$8 from August. The middleman share was a record \$1,053 last month, up 3.2 per cent or \$33 from August.

The \$147 increase since September of last

year includes a drop of \$35 in the farm share and an increase of \$182 in the portion for middlemen. The farmer's share was reported down 4.6 per cent from September 1973 while the middleman portion—also called a marketing spread—rose 21 per cent.

An official report issued with the figures said farmers received sharply less money for meat animals and fresh vegetables during the last month while they got more for poultry and eggs.

The USDA market basket figures reported the retail price of beef averaged \$1.416 in September, down from \$1.434 in August on an all-cut basis. The record was \$1.50 last January.

Officials said the farm share of the retail beef price was 85.2 cents a pound, compared with 97.7 in August. The middleman share was 56.4 cents, up from 45.7 the previous month.

The farm share is not what farmers get for live cattle since it takes nearly 2.3 pounds of live steer to make one pound of supermarket beef. It is however, their share of what consumers pay for beef.

Retail pork averaged \$1.099 a pound, up from \$1.087 in August. The record was \$1.315 in August last year.

The farm share of pork at the retail level was 61.6 cents a pound, down from 64.5 in August. Middlemen got 48.3 cents, up from 44.2 a month earlier.

Retail milk prices averaged 77.3 cents a one-half gallon, down two-tenths of a cent from August.

### FAMILY ASSISTANCE PLAN RESURRECTED ONCE AGAIN

**HON. JOHN M. ASHBROOK**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 20, 1974

Mr. ASHBROOK. Mr. Speaker, the family assistance plan, FAP, although repeatedly rejected as a solution to our welfare problems, has been resurrected once again. Now known as the income supplemental program, ISP, this revised form of FAP is being promoted by Health, Education, and Welfare Secretary Caspar Weinberger.

Enactment of ISP would move our Nation a long way toward a permanent welfare state. It would also result in a sharp increase in welfare costs.

Under ISP a guaranteed annual income for every individual and family would be provided by Federal cash payments. A family of four with no income, for example, would receive yearly payments of \$3,600. The family would receive diminished payments as it earned income until it had earned \$7,200.

And this is just the beginning of the Federal handout. The family would still be eligible to receive Medicaid, Medicare, unemployment benefits, public housing and a number of other subsidies. In addition, the family could receive welfare supplements from State and local governments. As can be seen, ISP is an expansion rather than a substitute for the current welfare system.

Also distressing is the large number of individuals who would be eligible for ISP benefits. HEW officials estimate that about 42 million people would qualify. This is three times the number of those receiving assistance under AFDC and SSI, the major components of our pres-

Constitution which allows Congress to do whatsoever it pleases. On this point I would like to quote Jefferson:

[T]he laying of taxes is the power, and the general welfare the purpose for which the power is to be exercised. They [Congress] are not to lay taxes ad libitum for any purpose they please; but only to pay the debts or provide for the welfare of the Union. In like manner, they are not to do anything they please to provide for the general welfare, but only to lay taxes for that purpose.

Now read what James Madison wrote in the Federalist:

Some who have not denied the necessity of the power of taxation have grounded a very fierce attack against the Constitution on the language in which it is defined. It has been urged and echoed that the power "to lay and collect taxes, duties, imports, and excises, to pay the debts, and provide for the common defense and general welfare of the United States," amounts to an unlimited commission to exercise every power which may be alleged to be necessary for the common defense or general welfare. No stronger proof could be given of the distress under which these writers labor for objections, than their stooping to such a misconstruction.

Had no other enumeration or definition of the powers of the Congress been found in the Constitution than the general expressions cited, the authors of the objection might have had some color for it; though it would have been difficult to find a reason for so awkward a form of describing an authority to legislate in all possible cases. . . .

But what color can the objection have, when a specification of the objects alluded to by these general terms immediately follows and is not even separated by a longer pause than a semicolon? . . . Nothing is more natural nor common than first to use a general phrase, and then to explain and qualify it by a recital of particulars. But the idea of an enumeration of particulars which neither explain nor qualify the general meaning and can have no other effect than to confound and mislead, is an absurdity. . . .

It would appear that the meaning of the "general welfare" clause is quite clear, yet the Supreme Court, the New Deal Supreme Court interpreted it to be equivalent to an unlimited grant of authority to the Federal Government. By this misinterpretation of the Constitution, it was transformed from a limitation on Government into an authorization for any action the Government wished to take.

The Constitution was subverted by its interpreters—there was no real need to amend it; there was no need to defy it openly. It is undoubtedly this deliberate misinterpretation of the Constitution that will be offered as the justification for socialized medicine, if any constitutional justification is attempted at all. And that, I submit is no justification at all. If, as Madison said, Congress was to have broad legislative powers, why was an enumeration made? More fundamentally, if Congress was to have unlimited powers, why is there a constitution at all? The New Deal Supreme Court interpretation of the "general welfare" clause must be rejected not only because that meaning was not intended by the framers of the Constitution, but also because it makes the Constitution blatantly self-contradictory.

It asks us to suppose that the framers, intent on limiting and restricting the

powers of government, inserted language which destroys all limits and removes all restrictions on the power and authority of Congress. Quite frankly, I cannot believe that to be the case, and I do not believe the American people will accept it either, once the issue is made clear.

We come then to the conclusion that the case for the constitutionality of socialized medicine rests upon a grave and deliberate misinterpretation of the Constitution. We can only conclude that if a misinterpretation is the best argument for the constitutionality of socialized medicine that can be offered, then socialized medicine is unconstitutional and illegal. As long as there is no constitutional justification for it, all the Gallup polls ever taken cannot lend one iota of legitimacy to the Federal medical programs about to be imposed on the American people.

We have been hearing a lot about a government of law, not of men, lately. It never ceases to amaze me that those who are talking most about a government of law are the same people who are always clamoring about the will of the people, and how the people should rule. They cannot have it both ways. Either the law in this case the supreme law of the land, the Constitution rules or men, majorities, the people, rule. It cannot be both. Personally I prefer the Constitution as ruler, not some majority or some clique that wields enough influence and power to turn the Government to their own ends. For that reason I oppose socialized medicine and all the horrors it would bring.

#### SNUB OF AFRICANS

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 20, 1974

Mr. DIGGS. Mr. Speaker, recently the distinguished journalist, Simeon Booker, broadcast on national radio a message on the subject of American foreign affairs with regard to Africa. I believe this broadcast is an honest, realistic look at our policy, and I commend it to the attention of my colleagues:

#### SNUB OF AFRICANS

Americans are caught in a terrible inflation compounded by the threat of still higher prices for oil and minerals. The U.S. has limited resources of these items. On the other hand, Africa has a rich storehouse. But by the manner in which our State Department handles its diplomatic affairs in Africa, no one would believe it.

Let me give a few examples:

Nigeria, an African country, supplies the U.S. with a quarter of our crucial oil supply. England's Queen Elizabeth rode to the London airport to personally meet Nigeria's head of state, General Yakubu Gowon. A few months later, when Gen. Gowon arrived in the U.S. to address the United Nations as head of the Organization of African Unity, President Nixon failed to make arrangements to see him. The General, leader of Africa's largest black nation, has never come here as an official guest. Zambia is the world's major producer of copper but its leader since independence ten years ago, Kenneth Kaunda, has never been received as a White House guest.

Our State Department is accused of tilting its diplomatic policy toward South Africa and other African countries dominated by whites. Africans are proud and do not have much of a problem—if they wish—to expand their markets to Russia and China. Our shortsighted African diplomatic policies may well short circuit our economic future. Who will pay the price? Millions of American consumers. This is Simeon Booker in Washington.

#### PUBLIC RELEASE OF THE NIXON TAPES: A BETTER APPROACH

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 20, 1974

Mr. CONYERS. Mr. Speaker, I wish to call to the attention of my colleagues a bill I have introduced today to provide for the public release of all tapes and documents relevant to the crimes of the Nixon administration. I believe that the approach embodied in my bill, which creates a Special Historical Commission on Watergate and Related Activities, is more desirable and practical than S. 4016, which was passed by the Senate and is now being considered by the Committee on House Administration.

The essential problem which the Senate bill fails to confront is that some discretion must inevitably be exercised in the process of determining which tapes and documents, or parts thereof, are related to criminal or unconstitutional conduct, and which are not. Under the current provisions of S. 4016, all materials which are not relevant to such conduct—or which are of no historical significance, whatever that means—should be left in the sole custody of former President Nixon. The authority to determine relevancy is delegated to the Administrator of the General Services Administration. The current Administrator, Mr. Sampson, certainly cannot claim to have the expert knowledge necessary to make such determinations, and, without regard to his competence, he should be disqualified from this responsibility because of his involvement in the very tapes agreement this legislation is intended to abrogate.

As a member of the Judiciary Committee, I have spent more days and weeks than I care to remember mastering the intricate details of the various events which are illuminated by the tapes and documents of the Nixon administration. I am sure that anyone who has shared my experience will agree that the discretionary decisions of relevancy, required by S. 4016, will often be too complex and subtle to be left to a political appointee of the Nixon administration with no claim to expertise.

Instead, the Commission created by my bill to exercise this discretion would be composed of representatives from the House Judiciary Committee, the Senate Watergate Committee, the Special Prosecutor's Office, former President Nixon, and the national historical and political science associations. This Commission, therefore, would possess the necessary expertise to make the unavoidable deci-

sions about what is relevant to Watergate and what is not. It would also enjoy the public's confidence that all the pertinent tapes and documents, including those subpoenaed but never delivered to the Judiciary Committee, will finally be available for public and scholarly scrutiny.

There are a number of other deficiencies in S. 4016, as passed by the Senate, which the Committee on House Administration will certainly be considering. However, I am convinced that a careful examination of this bill will confirm that discretionary judgments are unavoidable and that such decisions are better left to a panel of experts than to a political appointee whose only previous involvement with the matter was as a party to the agreement to be superseded. I do not believe that S. 4016, even with possible amendments, provides the most desirable approach to public release of all Watergate-related materials.

Instead, I urge my colleagues, and especially the members of the Committee on House Administration, to consider my proposed Commission as a preferable alternative approach. While I recognize that some questions remain to be resolved, especially delicate matters of personal privacy, these questions are endemic to any legislation on the subject.

I include the following:

#### H.R. 17469

A bill to establish a commission to obtain, preserve, and provide access to copies of tape recordings and other documents concerning Federal investigations into Watergate-related activities

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### ESTABLISHMENT

SECTION 1. There is established a commission to be known as the Special Historical Commission on Watergate and Related Activities (hereinafter in this Act referred to as the "Commission").

#### DUTIES OF COMMISSION

SEC. 2. The duties of the Commission shall be as follows:

(1) to obtain, and provide for the organization of, copies of all tape recordings and other documents which the Commission determines relevant to:

(A) the subjects included in the Articles of Impeachment recommended by the Committee on the Judiciary to the House of Representatives and contained in the final report made by the Committee pursuant to House Resolution 803, agreed to on February 6, 1974;

(B) the subjects investigated by the Senate Select Committee on Presidential Campaign Activities which was created by Senate Resolution 60, agreed to on February 7, 1973;

(C) the subjects dealt with by the Committee on the Judiciary of the Senate in its considerations of the nominations of Richard Kleindienst and Eliot Richardson to be Attorney General and of L. Patrick Gray to be Director of the Federal Bureau of Investigation;

(D) the subjects investigated during the 93d Congress by the Committee on Government Operations of the House of Representatives with respect to Federal funds expended on Presidential properties;

(E) the subjects investigated by the Joint Committee on Internal Revenue Taxation in its examination of the tax returns of former President Richard M. Nixon;

(F) the subjects of the hearings held during the 93d Congress by the Armed Services Committee of the Senate on the bombing of Cambodia by the United States; and

(3) the matters which the Special Prosecutor of the Office of the Watergate Special Prosecution Force has consented to investigate,

(2) to provide, in accordance with the regulations described in paragraph (3) of this section, for complete public access to the copies described in paragraph (1) of this section with special attention being given to the copies of the tape recordings and other documents requested, obtained, or subpoenaed by the bodies described in subparagraphs (A) through (G) of paragraph (1) of this section in connection with the activities described in those subparagraphs;

(3) to prescribe regulations providing for the protection of and access to the copies described in paragraph (1) of this section and recognizing at least the following factors—

(A) the need to restrict information which affects current or future national security;

(B) the need to protect every individual's rights to privacy and a fair trial;

(C) the need to prevent the disclosure of the contents of illegally intercepted oral or wire communications, as described in section 2511(1) of title 18, United States Code; and

(D) the need to provide a procedure whereby interested parties are given an opportunity, prior to the public disclosure of information concerning these parties, to communicate to the Commission any reason that this information should not be made available to the public;

(4) to determine the appropriate body to supervise the copies described in paragraph (1) of this section after the termination of the Commission; and

(5) to report to the Department of Justice, the Speaker of the House of Representatives, the minority leader of the House of Representatives, and the majority and minority leaders of the Senate, any activity which is revealed in the copies obtained by the Commission, which has not been investigated by the Congress or Department of Justice, and which a majority of the members of the Commission designate by vote as a probable violation of law or of a public official's oath of office.

#### MEMBERSHIP

SEC. 3. (a) The Commission shall be composed of fourteen members as follows—

(1) two Members of the House of Representatives appointed by the Speaker of the House at the recommendation of the Chairman of the Committee on the Judiciary of the House of Representatives;

(2) two Members of the House of Representatives appointed by the Speaker of the House at the recommendation of the ranking minority member of the Committee on the Judiciary of the House of Representatives;

(3) two Members of the Senate appointed by the President of the Senate at the recommendation of the Chairman of the Senate Select Committee on Presidential Campaign Activities created by Senate Resolution 60, agreed to on February 7, 1973;

(4) two members of the Senate appointed by the President of the Senate at the recommendation of the ranking minority member of the Senate Select Committee on Presidential Campaign Activities described in paragraph (3) of this subsection;

(5) two individuals appointed by the Special Prosecutor of the Office of the Watergate Special Prosecution Force;

(6) two individuals appointed by the President of the United States without the advice and consent of the Senate;

(7) one individual appointed by the President of the American Historical Association; and

(8) one individual appointed by the President of the American Political Science Association.

(b) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(c) If any member of the Commission who was appointed to the Commission as a Member of the Congress leaves such office, or if any member of the Commission who was appointed from persons who are not officers or employees of any government becomes an officer or employee of a government, he may continue as a member of the Commission.

(d) Members shall be appointed for the life of the Commission.

(e) (1) Members of the Commission who are full-time officers or employees of the United States or Members of the Congress shall receive no additional pay on account of their services on the Commission.

(2) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses in the same manner as persons employed intermittently in the service of the Federal Government are allowed expenses under section 5703(b) of title 5, United States Code, except that per diem in lieu of subsistence shall be paid only to those members of the Commission who are not full-time officers or employees of the United States or Members of the Congress.

(f) The Chairman of the Commission shall be elected by the members of the Commission.

(g) The Commission shall meet at the call of the Chairman or a majority of its members.

#### DIRECTOR AND STAFF

SEC. 4. (a) The Commission shall appoint a Director who shall be paid at a rate not to exceed the rate of basic pay in effect for level V of the Executive Schedule as described in section 5316 of title 5, United States Code.

(b) The Commission may appoint and fix the pay of such additional personnel as it deems necessary.

(c) The Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS-15 of the General Schedule, as described in section 5332 of title 5, United States Code.

(d) Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist it in carrying out its duties.

#### POWERS OF COMMISSION

SEC. 5. (a) The Commission may, for the purpose of carrying out its duties, sit and act at such times and places as the Commission may deem desirable.

(b) When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take.

(c) The Commission may secure directly from any department or agency of the United States information necessary to enable the Commission to carry out its duties. Upon request of the Chairman of the Commission, the head of the department or agency concerned shall furnish such information to the Commission.

(d) The Commission may initiate, conduct, or be a defendant in, judicial proceedings necessary to carry out, or related to, its duties.

(e) If a Federal court of competent jurisdiction should decide that any authorized activity of the Commission deprives any individual of private property without just